

1 ROBERT J. SCHWARTZ (CSB #254778)
2 TRI-VALLEY CARES
2582 Old First Street
Livermore, California 94551
3 Telephone: (925) 443-7148
Facsimile: (925) 443-0177
4 Email: rob@trivalleycares.org

5 STEVEN SUGARMAN (*Pro Hac Vice*)
6 BELIN & SUGARMAN
618 Paseo de Peralta
Santa Fe, New Mexico 87501
7 Telephone: (505) 983-1700
Facsimile: (505) 983-0036
8 Email: sugarmen@bs-law.com

9 Attorneys for Plaintiffs
10 TRI-VALLEY CARES, MARYLIA KELLEY,
JANIS KATE TURNER, and JEDIDJAH DE VRIES

11
12 IN THE UNITED STATES DISTRICT COURT

13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14
15 TRI-VALLEY CARES, MARYLIA KELLEY,) Case No. 08-cv-01372-SBA
16 JANIS KATE TURNER, and JEDIDJAH DE) **STIPULATION**
17 VRIES,) and
18 Plaintiffs,) **[PROPOSED] ORDER THEREON**
19 vs.)
20 UNITED STATES DEPARTMENT OF)
21 ENERGY, NATIONAL NUCLEAR)
22 SECURITY ADMINISTRATION, and)
23 LAWRENCE LIVERMORE NATIONAL)
24 LABORATORY,)
25 Defendants)

1 THROUGH THEIR UNDERSIGNED COUNSEL, the parties hereby agree and stipulate as
2 follows:

- 3 1. On March 10, 2008, Plaintiffs filed a complaint challenging the Department of Energy's
4 compliance with the National Environmental Policy Act in approving the construction and
5 operation of a Biosafety Level 3 facility at Lawrence Livermore National Laboratory in
6 Livermore, California.
- 7 2. Defendants produced the Administrative Record for the Final Revised Environmental
8 Assessment for the Proposed Construction and Operation of a Biosafety Level 3 Facility at
9 Lawrence Livermore National Laboratory, Livermore, California on April 9, 2008.
- 10 3. By prior stipulation, the parties agreed to attempt to informally resolve any issues relating
11 to the content of the Administrative Record. If these informal efforts were to fail,
12 Plaintiffs agreed to file any motion to supplement the Administrative Record by April 25,
13 2008.
- 14 4. In order to allow more time to informally resolve any issues relating to the content of the
15 Administrative Record, the parties have conferred and agreed that Plaintiffs shall have
16 until May 2, 2008, to file any motion to supplement the Administrative Record.
- 17 5. The foregoing agreement is not intended, and may not be cited by any party, as admission
18 of any issue of fact or law in this or any other judicial or administrative proceeding.

19
20 Dated this 25th day of April, 2008.

21 /s/ Robert J. Schwartz
22 ROBERT J. SCHWARTZ
23 Staff Attorney
24 Tri-Valley CAREs
25 2582 Old First Street
26 Livermore, CA 94551
27 Telephone: (925) 443-7148
28

/s/ Barclay T. Samford
BARCLAY T. SAMFORD
Trial Attorney
U.S. Department of Justice
Env't and Natural Res. Div.
1961 Stout Street, 8th Floor
Denver, CO 80294

The parties may by stipulation, or by motion for good cause shown, seek this Court's approval of extensions of the foregoing deadline.

[PROPOSED] ORDER

GOOD CAUSE APPEARING from the parties' foregoing stipulation,

IT IS SO ORDERED.

Dated: April ___, 2008

SAUNDRA BROWN ARMSTRONG

United States District Judge